SMB 7/25/08

UNITED STATES DISCTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Steven Douglas HOLTWICK** Defendant.	Magistrate Case No. 08 MJ 2254 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1324(a)(2)(B)(iii) Bringing in Illegal Alien(s) Without Presentation; Title 18, U.S.C., Section 1544 Misuse of Passport

The undersigned complainant being duly sworn states:

Count I

On or about **July 24, 2008**, within the Southern District of California, defendant **Steven Douglas HOLTWICK**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Jossue G. LOPEZ-Sandoval**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

Count II

On or about **July 24, 2008**, within the Southern District of California, defendant **Steven Douglas HOLTWICK**, did knowingly and willfully use a passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States by presenting U.S. Passport number 016313208, issued to Jon Patrick Elliot, to a Department of Homeland Security, Customs and Border Protection Officer, knowing full well that he was not Jon Patrick Elliot, and that the passport was not issued or designed for his use. All in violation of Title 18, United States Code, Section 1544.

SIGNATURE OF COMPLAINANT
Alfredo Loperena, Enforcement Officer
U.S. Customs and Border Protection

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **25th** DAY OF **JULY, 2008.**

UNITED STATES MAGISTRATE JUDGE

SMB
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PROBABLE CAUSE STATEMENT

The complainant states that **Jossue Gustavo LOPEZ-Sandoval** is a citizen of a country other than the United States; that said alien has admitted he is deportable; that his testimony is material; that it is impracticable to secure his attendance at trial by subpoena; and that he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On July 24, 2008 at approximately 4:15 AM, **Steven Douglas HOLTWICK (Defendant),** made application for admission into the United States at the San Ysidro Port of Entry. Defendant was the driver and sole visible occupant of a 2004 red Ford F-350. Defendant presented a United States Passport bearing his likeness and the name Jon Patrick Elliot as his own entry document to a United States Customs and Border Protection (CBP) Officer. Defendant stated to the CBP Officer he was going to work. Defendant also stated he was driving a vehicle owned by a business named Rockway Construction. The CBP Officer reviewed the vehicle registration presented by Defendant and noticed the vehicle was not registered to the stated business.

The CBP Officer conducted a visual inspection of an exterior diesel fuel tank which was attached by screws to the bed of the pick up truck. Defendant was asked to illustrate the connection from the exterior fuel tank to the pick up truck, but Defendant was not able to show the CBP Officer where the fuel tank connected to the pick up truck. The CBP Officer proceeded to escort Defendant and the vehicle to secondary for further inspection, and while escorting Defendant, the officer determined the passport presented was photo altered.

In secondary, a CBP Canine Enforcement Officer screened the vehicle utilizing his Human Detector Dog and received an alert to the exterior diesel fuel tank attached to the bed of the pick up truck. The CBP Canine Enforcement Officer unscrewed the cap on top of the exterior diesel fuel tank and saw what appeared to be a black and white sweater inside the tank. The CBP Canine Enforcement Officer called for assistance and CBP Enforcement Officers responded.

CBP Enforcement Officers removed several bolted screws holding the exterior diesel fuel tank to the bed of the pick up truck utilizing tools found inside the truck. Once the tank was open, CBP Enforcement Officers lifted the tank and discovered two human beings concealed inside the empty diesel fuel tank. CBP Enforcement Officers assisted in extricating the two human beings concealed inside the diesel fuel tank. The concealed persons were determined to be citizens of Mexico without entitlements to enter the United States. One individual was retained as a Material Witnesses and is now identified as: **Jossue Gustavo LOPEZ-Sandoval (Material Witness).**

Further checks revealed the passport presented by Defendant was not issued or designed for his use and was altered with the Defendant's photo in place of the photo of the lawful owner.

During a video recorded proceeding, Material Witness declared he is a citizen of Mexico without legal rights or documents to enter the United States. Material Witness stated he was going to pay from $3,000.00 to $3,500.00 United States Dollars to be smuggled into the United States. Material Witness stated he was traveling to Los Angeles, California to reside with relatives and seek employment.